SINGLE BENCH

C.F. 1006

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 3321 OF 2006

PETITIONER : Satyanarayan Agarwal, son of Late Radheshyam Agarwal, aged about 52 years, resident of Kharora, Tehsil Tilda, District Raipur (C.G.)

Vs

RESPONDENTS :

1. Hindustan Petroleum Corporation Limited, a Government of India enterprise having its registered office at 17, Jamshed Ji Tata Road, Mumbai-400 020 and a branch office at Madina Manzil, 2nd Floor, Medical College Road, Raipur
2. The Senior Regional Manager, Hindustan Petroleum Corporation Limited, Madina Manzil, 2nd Floor, Medical College Road, Raipur Raipur.

P.R. No. 3368/06
Presented by B.P. Sharma
dated 5/7/06

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA

(67)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

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2. The Senior Regional Manager, Hindustan Petroleum Corporation Limited, Madina Manzil, 2nd floor, Medical College Road, Raipur, Raipur.

Present : Mr. B.P Sharma , learned counsel for the petitioner.

Shri Bhishma Kinger, learned counsel for the respondents.

ORAL ORDER
(Passed on 17th July, 2006)

In this writ petition, a communication of the Senior Regional Manager, Hindustan Petroleum Corporation Limited, Raipur, the second respondent herein, dated 24/5/2006 informing the petitioner that the empanelment of the petitioner for opening a retail outlet at a location in Sandi has been cancelled by the competent authority, is assailed. The impugned order is produced at page 34 of the material papers as Annexure-P/8. I have perused the same.

(2) According to the second respondent/competent authority, the land proposed by the petitioner for establishing a retail outlet dealership falls outside the advertised location. This assertion made by

the second respondent in the impugned communication is seriously contested by the learned counsel for the petitioner. There is no need for this Court to resolve the above factual controversy, it being a question of fact. The main grievance of the petitioner is that before canceling the empanelment of the petitioner to establish a retail outlet dealership at a location in Sandi by the competent authority, he was not served with any notice nor given any opportunity of being heard. I am of the considered opinion that before canceling the empanelment of the petitioner on the ground noted above, the petitioner ought to have been given an opportunity of being heard. On that short ground without expressing any opinion on the factual assertion and denial made by the second respondent and the petitioner, I allow the writ petition, quash the impugned order dated 24/5/2006 and direct the 2nd respondent to give notice to the petitioner giving him an opportunity of making representation against the finding of the competent authority that the land proposed by the petitioner for establishing a retail outlet dealership falls outside the advertised location and then to pass appropriate order. Till then, *status quo* shall be maintained. No costs.

Sd/-
Chief Justice

Brajesh